

Judge Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

NO. CR14-165RAJ

v.

ORDER CONTINUING TRIAL DATE  
AND SETTING CASE SCHEDULE

THOMAS BROOKE,  
CRAIG GREER, and  
KEVIN KOGAN,

Defendants.

The Court, having reviewed the record and files in this case and after a consideration of all relevant information and the circumstances of this case, finds that the ends of justice will best be served by continuing the trial date to January 19, 2016, and orders the parties to comply with the complex case schedule set forth below. The ends of justice outweigh the best interests of the public and the defendants in having the matter brought to trial sooner.

1 The Court makes the following findings:

2 1. The government and defense counsel have indicated that the discovery in  
3 this case is voluminous and complex; involves the analysis of multiple computer systems  
4 and storage devices; and involves an alleged conspiracy that spanned multiple years.

5 2. Based on the foregoing, the Court finds that the ends of justice will best be  
6 served by a continuance of the trial date and outweigh the best interests of the public and  
7 the defendants in a speedy trial, within the meaning of 18 U.S.C. § 3161(h)(7)(A).

8 3. The Court further finds that the failure to grant such a continuance in this  
9 case would likely result in a miscarriage of justice because the defendants would be  
10 denied the reasonable time necessary for effective preparation, taking into account the  
11 exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

12 4. The Court further finds, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii), that the  
13 case is unusual and complex, due to the nature of the prosecution, the existence of  
14 potentially novel questions of fact or law, the location of witnesses outside of this district,  
15 and the volume of discovery, and it therefore would be unreasonable to expect adequate  
16 preparation for trial within the time limits established by 18 U.S.C. § 3161, *et seq.*

17 5. The Court further finds, pursuant to 18 U.S.C. § 3161(h)(7)(A) and  
18 (h)(7)(B)(iv), that the period of delay is reasonable.

19 Any and all period of delay resulting from this continuance, from the date of this  
20 order, until the date of the rescheduled trial, shall be excludable time pursuant to Title 18,  
21 United States Code, Section 3161(h)(7)(A), for purposes of computation of the time  
22 limitations imposed by the Speedy Trial Act, Title 18, United States Code, Section 3161  
23 through 3164.

24 It is therefore ORDERED that the Joint Defense Motion to Continue Pretrial  
25 Motions Deadline and Trial Date (Dkt. #132) is GRANTED. The trial in this matter is  
26 hereby continued from September 14, 2015 to January 19, 2016, at 9:00 a.m., and that the  
27 parties shall observe the following case schedule:

Event	Deadline/Date
Government to provide discovery under Fed. R. Crim. P. 16(a)(1)(A)-(F) and Local CrR 16(a)(1), with continuing obligation as set forth in Rule 16(c)	Effective date of this order
Government to provide first preliminary exhibit list and exhibits.	August 24, 2015
Government to provide expert disclosure with Rule 16 written summary	September 4, 2015
Government to provide second preliminary exhibit list and exhibits.	September 21, 2015
Deadline to file pretrial motions. Responses due October 19, 2015; Reply briefs due October 27; Noting Date: October 30, 2015	September 28, 2015
Status Conference	October 2, 2015 at 11 a.m.
Defendants to provide discovery under Rule 16(b)(1)(A)-(B), and Local CrR 16(a)(2), with continuing obligation as set forth in Rule 16(c); Defendants to provide notice of alibi defense under Fed. R. Crim. P. 12.1 and/or mental health defense under Fed. R. Crim. P. 12.2; Defendants to provide notice of advice of counsel defense and relevant discovery.	October 13, 2015
Defendants to provide expert disclosure with Rule 16 written summary	October 16, 2015
Government to provide FRE 404(b) notices	October 16, 2015
Defendants to provide notice of objections (other than to relevance) to the admissibility any documentary exhibits on the government's preliminary exhibit list	October 25, 2015
Government to provide rebuttal expert disclosures	October 30, 2015

Event	Deadline/Date
Status Conference/Motions Hearing	October 30, 2015 at 9 a.m.
Parties to file motions in limine in addition to any motions re: 404(b) and inextricably intertwined evidence. Responses due December 4, 2015; Reply briefs due December 11, 2015; Noting Date: December 11, 2015	November 13, 2015
Status Conference/Motions Hearing	December 18, 2015 at 9 a.m.
Government to produce all summary exhibits and underlying data under Fed. R. Evid. 1006	December 28, 2015
Government's witness list and exhibit list related to its case-in-chief; Government to produce Jencks Act, Rule 26.2 and <i>Giglio</i> impeachment materials, including information relating to known non-testifying declarants under Fed.R.Evid. 806 (if any)	December 29, 2015
Defendants to produce all summary exhibits and underlying data under Fed. R. Evid. 1006; Defendants to provide rebuttal expert witness disclosures	January 5, 2016
Defendants' witness list and exhibit list related to its case-in-chief; Defendants to produce Jencks Act materials	January 6, 2016
Trial Briefs, Proposed Jury Instructions, Voir Dire, and Verdict Forms	January 6, 2016
Pretrial Conference	January 8, 2016 at 9 a.m.
Trial	January 19, 2016 at 9 a.m.

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1 IT IS FURTHER ORDERED that the period of time from the date of this order, up  
2 to and including the new trial date of January 19, 2016, shall be excludable time under  
3 the Speedy Trial Act, 18 U.S.C. § 3161 *et.seq.*  
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5 DATED this 22<sup>nd</sup> day of July, 2015.  
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9 The Honorable Richard A. Jones  
10 United States District Judge  
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